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February 13, 2008

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

February 14, 2008
If service of process is not completed by
Monday March 31, 2008, the court will
re-dismissed so ordered Paul M. Muty
RE: Ashley Mendez v. Peter Nagy
Docket no.: 07 Civ. 8574 (PAC)
Rule 4(m) Order

Honorable Sir:

I am the attorney for the plaintiff in the above captioned matter. I am in receipt of a Rule 4(m) Order from the Court concerning the filing of the affidavit of service within 120 days.

Upon filing the summons and complaint I forwarded a clerk stamped copy to my process server, Interboro Process Service Bureau, Wantagh, NY. The defendant driver/owner resides in Dearborn Heights, MI. The matter was commenced in U.S. District Court based on diversity of citizenship. Upon receipt of the Court's order I called Interboro for an update on service. I was advised that the defendant was not at the address given on the police report. My process server is conducting a skip trace to ascertain the location of the defendant so he can be properly served.

I would be willing to supply the Court with a status of this effort as soon as Interboro communicates with me. My client was injured in this motor vehicle accident and wishes to pursue her remedies. We have not abandoned the case and are employing all reasonable efforts to locate the defendant to effect service. I trust that this explanation is satisfactory with the Court. If your Honor has any further questions, please feel free to contact me. Thank you for your attention and consideration in this matter.

Respectfully submitted,

STEPHEN R. KRAWITZ, LLC

Stephen R. Krawitz, Esq.

SRK/r

Mendez ltr to J. Crotty re service#117

MEMO ENDORSED

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